APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/973,146	10/08/2001	Joseph Mosher	G&C 119.10-US-01	5595

22462	7590	12/01/2005	

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EXAMINER
LAM, WAI YIP

ART UNIT	PAPER NUMBER
2614	

DATE MAILED: 12/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/973,146	MOSHER ET AL.
	Examiner	Art Unit	
	Wai Lam	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>6</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-19* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-19* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>07022002</u>.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____ .

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1.   Claims 1 – 10, 12 –14, 17, 18, and 19 are rejected under 35 U.S.C. 102(e) as

being anticipated by U.S. Patent No. 6,481,010 (Nishikawa et al.).

As to claim 1, Nishikawa et al. teaches a method organizing access to

various multimedia services (Column 1, lines 59 – 64, Column 3, lines 26 – 33).

Nishikawa et al. teaches a method and apparatus of an integrated system that

provides a display of satellite broadcast system (DSS), Internet web sites, and

local broadcast channels. This reads on the claimed multimedia services.

Nishikawa et al. also teaches the method comprising the step of defining a

multiple axis framework. Nishikawa et al. teaches a framework that comprises

three axes (mode, theme, and provider). The mode axis is defined as the

selection between different physical networks including Internet and broadcast

(local and satellite broadcast)(Column 3, lines 61 – 67, Column 4, lines 1 – 4).

Nishikawa et al. also teaches wherein the user can select a theme (category)

axis that facilitates the user's navigation through DSS channels by filtering

programs into pre-selected categories (Figure 15, Column 15, lines 10 – 19).

Nishikawa et al. further teaches a provider axis that allows the user to selectively

choose services from a specific provider source (Figure 14, Column 15, lines 12

– 15). Figure 14 shows different provider sources that the user can choose from

within a specific theme.

Nishikawa et al. also teaches the method comprising the step of locating

each said multimedia service within said framework and allowing a user to select

a desired one of said multimedia services by identifying coordinates with respect

to one of said axes. Nishikawa et al. teaches that in the mode axis, the

integrated receiver (DSS/WebTV receiver 12 in Figure 1) can receives local

broadcast signal from local programming station, a digital bit-stream from DSS

antenna, or an Internet signal from the Internet service provider (Column 3, lines

61 – 67, Column 4, lines 1 – 4). When a user chooses Internet related icons,

Internet web page data from storage device and carries out functions that

correspond to the selected icon (Column 11, lines 1 – 4). Since some of the data

is downloaded by DSS processing element 200 in Figure 2, (Column 11, lines 4 –

6), the requested data must be located, either from the DSS service provider or

the Internet service provider. Nishikawa et al. also teaches when a user chooses

the category icon (theme axis), the user can locate programs specific to the

selected category. Furthermore, the DSS processing element 200 in Figure 2A

locates the pre-selected categories for presentation to the user (Column 15, lines

10 – 15). Nishikawa et al. further teaches that in the provider mode, the user can choose between different providers (channels) and the DSS processing element 200 in Figure 2 locates (tunes) to the channel specified by the user (Column 7, 10 – 11, 32 – 34). Therefore, the claimed limitation is met.

As to claim 2, see rejection of claim 1 for the corresponding limitation and note that Nishikawa et al. also teaches wherein various multimedia services include services provided via various communication networks (Column 3, lines 48 – 54, Figure 1). Figure 1 shows that the Unit 12 receives multimedia services signals from Unit 20, 24, and 28 through various input ports 18, 22, 26, respectively. Therefore, these signals are transmitted through various communications network.

As to claim 3, see rejection of claim 2 and note that Nishikawa et al. also teaches wherein access is integrated to make content planes (services provided by different axis as discussed in claim 1) transparent to user. Nishikawa et al. teaches that the DSS/WebTV receiver 12 in Figure 1 provides a display of DSS programs, Internet websites, and local broadcast channels in a seamless fashion (Column 1, lines 59 – 65). This reads on making the content planes transparent to user). Note that converging network is the integration of different networks as discussed in claim 2.

As to claim 4, see rejection of claim 2 and note that Nishikawa et al. also teaches whereby end users do not have to shift paradigms, or be aware of which plane they are on and where they want to go, in order to change content

selection. Nishikawa et al. teaches in Figure 9 that a user can access a plurality

of features in the axes as discussed in claim 1 via a centralized GUI interface.

This reads on the user not having to shift to a different paradigm when accessing

information from different networks (Column 11, lines 57 – 67, Column 12, lines 1

- 6). The user can simply select an icon and the DSS/WebTV receiver can

retrieve information from different planes (Column 10, lines 63 – 67, Column 11,

lines 1 – 13). This reads on the user not have to be aware of which plane they

are on and where they want to go in order to change content selection.

As to claim 5, see rejection of claim 2 and note that wherein said multiple

axes comprise three axes are already discussed in claim 1.

As to claim 6, see rejection of claim 5 and note that wherein said three

axes comprise: mode, provider, and theme axes are already discussed in claim

1.

As to claim 7, see rejection of claim 6 and note that Nishikawa et al. also

teaches comprising the step of presenting different layers (layers of interactivity)

of said multiple axis framework to said user. Nishikawa et al. teaches that in the

mode axis, the user can choose from different physical networks as discussed in

claim 1. When the user chooses Internet network, the Internet processing

element generates a WebTV homepage and a list of preferred websites that are

downloaded from the Internet (Column 12, lines 57 – 64). When the user

chooses the DSS network, the user can choose the guide icon, whereby the user

can select from one or more of options 584 – 590 in Figure 9 to display

programming information in a predetermined manner (Column 12, lines 50 – 57).

In the category (theme) axis, the user can choose from different categories

(theme). Further, when the user chooses the movie icon, the user is presented

with another layer of interactivity whereby the user can choose which channel to

watch in the filtered list (Column 15, lines 10 – 23). In the provider axis, provider

sources (channel sources) have many layers (layers of interactivity). When the

user selects the guide icon, the user has the option to view the provider sources

in the EPG (as shown in Figure 13) option, the station index option, the category

option, an alphabetical listing option, and others option (Column 12, lines 50 –

55). All of the axes in the claimed framework discussed above have many

different layers (layers of interactivity); therefore, the claimed limitation is met.

As to claim 8, see rejection of claim 7 and note that Nishikawa et al.

teaches wherein said step for presenting comprises the step of presenting

different layers of said multiple axis framework to said user via a graphical user

interface (Figure 9 and Column 11, 57 – 58).

As to claim 9, see rejection of claim 7 and note that Nishikawa et al. also

teaches wherein the ordering of said may be varied. Nishikawa et al. teaches in

the mode axis, the user is provided with a choice to access the Internet or select

a channel for viewing (Column 10, lines 40 – 41). The user can choose from the

DSS or local programming provider or the Internet provider. Therefore, the

ordering of the mode layer (which mode the user chooses) can be varied. In the

theme axis, the user can choose from pre-selected categories ranging from

sports, movies, special, attractions, drama, and education (Column 15, lines 16 –

18). Therefore, the user can choose any category at the theme layer thereby

filtering programs listing for presentation (layer where the user has chosen a

specific theme) (Column 15, lines 10 – 15). Therefore, the theme axis layers

(layers of interactivity) can be varied. In the provider axis, the user can choose

from different options to interact with the provider sources (channel sources) via

the guide icon (Column 12, lines 50 –55). Therefore, the layers (layer of

interactivity) are varied according to user selection.

As to claim 10, see rejection of claim 9 and note that Nishikawa et al. also

teaches further comprising the steps of responding to a desired multimedia

service being selected a user (Column 12, lines 31 – 32), by switching the input

of said selected service to an output (Column 12, line 33); and converting the

format of said selected service as required to suit said output (Column 12, lines

33 – 38). The data the user requested is downloaded from the DSS element and

stored in a hard drive (HDD) and then the data is retrieved from the HDD for

output to the user. Therefore, the data is downloaded and converted to an

intermediate format that can be stored on the hard drive, then when the user

requests the data, the data is converted to a format that is suited for output to the

user.

As to claim 12, see rejection of claim 10 and note that the converting to an

intermediate format is already discussed in claim 10.

As to claim 13, see rejection of claim 12 and note that the user is able to purchase a program via the TV planner icon (Column 13, lines 26 – 28). When the user selects the purchase icon, the user is presented with the cost, data, and time of the purchased program. This reads on the step of handling the logistics of billing. The user is also able to review purchases made by selecting the review purchase icon (Column 13, lines 36 – 40). This reads on the step of monitoring the usage of service. Since the two services mentioned above are processed by the receiver (receiver 12 in Figure 1), the services are handled in an integrated manner.

As to claim 14, see rejection of claim 2 and note that Nishikawa et al. also teaches wherein said various communication networks include an internet network (Column 3, lines 50 – 51).

As to claim 17, see rejection of claim 2 and not that Nishikawa et al. also teaches wherein said various communication networks include a broadcast network (Column 3, lines 51 – 53).

As to claim 18, Nishikawa et al. teaches a multimedia server (DSS/WebTV receiver 200 in Figure 2).

Nishikawa et al. also teaches the means for defining a multiple axis framework by defining the framework in mode, theme, and provider axis as discussed in claim 1.

Nishikawa et al. also teaches means for locating each said multimedia service within said framework and allowing a user to select a desired multimedia

services by identifying coordinates with respect to said axes. The means for

accomplishing the above is satisfied by substantially following Figure 3A, 3D, and

3G of the present application.

Firstly, Nishikawa et al. teaches that a user accesses the appliance

(DSS/WebTV receiver 200 in Figure 2) and uses the software by pressing the

home screen (Figure 7, Column 10, lines 36 – 53). Nishikawa et al. also teaches

the user is offered either DSS programming or Internet access. When the user

chooses guide icon (Column 12, lines 50 – 55), the user is choosing to view a TV

program from the DSS, corresponding to step 42 in Figure 3A (choosing a

format) of the present application.

Moving on to Figure 3C of the present application, Nishikawa et al.

teaches the user can then choose a category (theme) (Column 12, 50 – 55)

under the options presented when the guide icon is chosen. The user is

choosing a theme corresponding to step 76 of Figure 3D in the present

application.

Finally, Nishikawa et al. teaches the user can choose a specific provider

(channel) through the filtered list of themes (Column 15, lines 10 – 15),

corresponding to step 128 in Figure 3G (starting with step 124) in the present

application.

The selection process of Nishikawa et al. discussed above follows the

means for locating each said multimedia service within said framework and

means for allowing a user to select a desired multimedia service by identifying

coordinates with respect to all three axes, therefore, the claim limitations are met.

As to claim 19, see rejection of claim 1 for the corresponding limitations

and note that the End User terminal is Display Unit 16 in Figure 1 and the service

provider is DSS/WebTV receiver 12 in Figure 1. The DSS/WebTV receiver is a

service provider because it provides the user with information via the end user

terminal (display unit).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2.   Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S.

Patent No. 6,481,010 (Nishikawa et al.) in view of U.S. Patent No. 5,710,941 (Parry).

As to claim 11, Nishikawa et al. teaches all the limitations corresponding

to claim 10 as discussed above.

Nishikawa et al. fails to teach wherein the step of converting is performed

using a software driver with a common API.

However, Parry teaches a method of reading data from a hard disk drive

via an application programming interface (API) of the operating system (Column

6, lines 66 – 67, Column 7, lines 1 – 10). As discussed in claim 10, data in the

intermediate format is read from a hard disk drive and converted to an output.

Therefore, this reads on the presently claimed limitation because the data

requested is being converted from a hard drive format to an output format

accessible by the file system through the protected hard disk driver (Column 7,

lines 16 – 22, 28 – 32).

At the time the invention was made, it would have been obvious to a

person of ordinary skill in the art, to modify the method of accessing a hard disk

drive of Nishikawa et al., using the method of accessing the hard disk drive using

protected mode hard disk driver of Parry, for the purpose of yielding better hard

disk drive performance and achieving higher data transfers (Column 7, lines 40 –

54).

3.   Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable

over U.S. Patent No. 6,481,010 (Nishikawa et al.) in view of U.S. Patent No. 5,247,347

(Litteral et al.).

As to claim 15, Nishikawa et al. teaches all the limitations corresponding

to claim 2.

Nishikawa et al. fails to teach wherein said various communications

network include a video on demand service.

However, Litteral et al. teaches a video on demand service platform that is

transmitted over public switched telephone network (PSTN) by using an ADSL

interface unit (Column 4, lines 47 – 49, Column 7, lines 27 – 29, 65 – 66).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify DSS/WebTV receiver of Nishikawa et al., using the ADSL interface for providing video on demand service over PSTN of Litteral et al., for the purpose of using existing components (lines) of the PSTN, thereby saving cost (Column 7, lines 28).

As to claim 16, Nishikawa et al. teaches all the limitations corresponding to claim 2.

Nishikawa et al. fails to teach wherein said various communications network include a public switched telephone network (PSTN).

However, the usage of a PSTN and the motivation for using PSTN has already been discussed in claim 15.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wai Lam whose telephone number is (571) 272-2827. The examiner can normally be reached on Monday - Friday 7:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

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